

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHARLES FREIBERG,

CIV. NO. 13-361(MJD/JSM)

Plaintiff,

v.

ORDER

NEXTEL WEST SERVICES LLC,

Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated November 18, 2013. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, IT IS HEREBY ORDERED that: Sprints' Motion to Dismiss [Docket No. 8] is **GRANTED** in part and **DENIED** in part as follows:

1. Defendant's Motion to Dismiss is **DENIED** as to Count I of the First Amended Complaint.

2. Defendant's Motion to Dismiss is **GRANTED** as to Count II of the First Amended Complaint. Count II is dismissed **WITHOUT PREJUDICE**.

3. Defendant's Motion to Dismiss is **GRANTED** as to Count III of the First Amended Complaint. Count III is dismissed **WITH PREJUDICE**.

4. Defendant's Motion to Dismiss is **DENIED** as to Count IV of the First Amended Complaint relating to plaintiff reporting the misappropriation of defendant's phones.

5. Defendant's Motion to Dismiss is **GRANTED** as to Count IV of the First Amended Complaint relating to plaintiff's report of a violation of company policy that dealt with employees planning to attend a vendor junket to the U.S. Open without company approval. This claim should be dismissed **WITH PREJUDICE**.

6. Defendant's Motion to Dismiss is **GRANTED** as to Count IV of the First Amended Complaint relating to plaintiff encouraging another employee to make a report of suspected illegality. This claim should be dismissed **WITH PREJUDICE**.

Dated: December 3, 2013

s/Michael J. Davis

MICHEAL J. DAVIS

Chief Judge

United States District Court